

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL ACTION
)	
1. WILGEN ANIBAL BRITO-MELO ,)	NO. 05-10227-PBS
)	
Defendant)	
_____)	

**MOTION TO FILE CONSOLIDATED SUR-REPLY AND POST-HEARING BRIEF, AND
TO EXTEND FILING DATE UNTIL JULY 7
(AND TO FILE AN OVERLONG BRIEF)**

The United States of America, by its attorneys Michael J. Sullivan, United States Attorney, and Neil J. Gallagher and Rachel E. Hershfang, Assistant United States Attorneys, hereby move to file a sur-reply to the defendants' further (post-hearing) briefing, to consolidate that brief with the government's further briefing, and to extend the filing date for the combined brief to July 7, 2006 (seven days from the filing of defendants' brief).

In support of this motion, the government states as follows: the motion to suppress filed by defendant Wilgen Anibal Brito-Melo ("Brito-Melo") raises complex questions of Fourth Amendment law. The hearing on the motion lasted for three days. Following the hearing, the parties were to file simultaneous, post-hearing briefs on June 30, 2006. The government has not yet filed its brief.

Brito-Melo's brief is, in essence, a reply to the

government's opposition to Brito-Melo's motion to suppress. Having received this brief, the government respectfully requests leave of court to file a sur-reply to this brief, and to consolidate its post-hearing briefing with this sur-reply so as to file only a single brief (rather than two) on Friday, July 7 (seven days from the filing of defendants' brief). The government further seeks leave of court to exceed the 20-page limit in its filing, which would (1) represent two briefs' worth of writing, combined in one; and (2) respond to the 33 pages (exclusive of exhibits) filed on Friday, June 30, by Brito-Melo.

Accordingly, the government respectfully requests an additional week (until July 7, 2006) in which to file its combined sur-reply and further opposition, and leave of Court to file an overlong brief.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Neil J. Gallagher, Jr.
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Dated: July 5, 2006

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon counsel

of record, by electronic filing, a copy of the foregoing document.

This 5th day of July, 2006.

/s/ Neil J. Gallagher, Jr.
Neil J. Gallagher, Jr.
ASSISTANT UNITED STATES ATTORNEY